



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 25.1-DOE

Subject: Definitions of Disciplinary Offenses For Youth in Youth Development Centers

supersedes: DYD 14.1

Approved by:

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Authority:

TCA 37-5-106

ACA Standard:

2-9296, 2-9297 2-9316

- I. APPLICATION: To the Assistant Commissioner of Residential Services and all employees and youth at Youth Development Centers.
- II. POLICY: The terms and definitions found herein shall be the only offenses utilized when a Disciplinary Report/Notice of Hearing is issued. These terms shall be made available to all staff and youth.
- III. PROCEDURES:
 - A. When a staff member issues a Disciplinary Report/Notice of Hearing (Form CS-0055), he/she shall select the term which most nearly describes the youth's alleged behavior.
 - B. Major offenses constitute the most serious category of offense behavior and are subject to the highest level of disciplinary action. Major offenses shall include the following acts:
 1. Aggravated Battery: To attack or strike another person with a weapon or cause serious bodily injury.
 2. Arson: An act committed by any person who willfully and maliciously sets fire to or burns, causes to be burned, or who aids, counsels or procures the unauthorized burning of any property, building or any other structure, whether the property of himself/herself or of another and which causes or has the potential to cause significant damage to person or property.

3. Assault: An attempt (or the unequivocal appearance of an attempt) to do bodily injury with force or violence to another person, accompanied with the apparent present ability to do so.
4. Assault and Battery: The execution of an attempt to lilt or strike another person with the intent to cause bodily harm.
5. Attempted Escape: To create by work and action a reasonable belief that an effort is being made to presently leave custody without authorization to do so.
6. Burglary: Entering a house, building, room and/or any institutional areas specifically secured from or forbidden to youth with the intent to commit a major offense.
7. Conspiracy: Two or more youth plotting together to riot, escape, and/or cause injury to persons or cause serious destruction or theft of property, together with some act toward accomplishment of same.
8. Damaging/Destroying State Property: The intentional and malicious destruction of State owned property. This includes supplies, clothing, materials, and other items issued from State supplies for the personal use of youth.
9. Escape: To flee from custody or supervision of the Department of Children's Services or someone to whom the youth has been entrusted; the unlawful departure of a youth from an institution or from custody while being transported.
10. Extortion: To either verbally or by written or printed communication maliciously threaten to accuse another of a crime, offense, or immoral act, or to do, or threaten to do, any injury to the person, reputation, or property of another, with intent thereby to obtain any money, property or monetary advantage whatever; or to compel the person so threatened to do any act against his/her will.
11. Fighting: A physical altercation between two or more persons without weapons.
12. Forgery: The fraudulent making or alteration of any writing to the prejudice of another's rights. This includes falsified signatures and/or the production of false documents such as letters, passes, and the like.
13. Gambling: The act of wagering items of value on the outcome of any event.
14. Interfering with Staff: Any willful physical action by a youth which is intended to prevent a staff member from performing required duties.
15. Participation in a Riot: To incite others to riot or to organize, promote, encourage, or directly take part in a riot.
16. Pass Violations: The commission of any unlawful act or the violation of any rule, regulation, or policy governing passes, while on pass.

17. Possession of Contraband: To have, to gain or maintain control over, and/or to cause to be brought onto institutional grounds item(s) that are illegal by law or that are expressly prohibited by those legally charged with the responsibility for the administration and operation of the facility.
18. Possession of Weapon: To have without authorization, to gain or maintain control over without authorization, and/or to cause to be brought onto institutional grounds without authorization any object likely to cause serious injury or death. Any such object found in a youth's room is presumed to be in the possession of the occupant(s) of that housing space.
19. Possession/Use of Drugs: To use, to have, to gain or maintain control over, and/or to cause to be brought onto institution grounds any illegal drug or authorized medication, including narcotics, hallucinogens, opiates, barbiturates, stimulants, marijuana, or any medication not properly prescribed by a physician.
20. Possession/Use of Intoxicant/Inhalant: To have, to gain or maintain control over, to cause to be brought onto institution grounds, and/or to ingest, inject, or inhale any intoxicant or inhalant, including glue, paint, gasoline, and the like.
21. Rape: Sexual penetration of another accompanied by the use of force or coercion to accomplish the act.
22. Receiving and Concealing: The act of obtaining property from another person knowing that the property has been stolen and intending to deprive the true owner of the property.
23. Repeated Minor Violations: Seven minor violations within a fourteen (14) day period.
24. Repeated Refusal of a Direct Order: The willful refusal by a youth to follow and/or carry out a specific, authorized, written or verbal directives issued by staff.
25. Selling Inhalants/Drugs/Intoxicants: To exchange illegal or unauthorized drugs for money or other items of value; the giving or loaning of illegal or unauthorized drugs to another shall be included under this definition.
26. Sexual Battery: Forced sexual contact with another person without that person's consent.
27. Sexual Misconduct: Sexual contact or sexual penetration of one youth by another.
28. Stealing: The unauthorized taking or using of the property of another person.
29. Threatening of Staff: Any explicit act by a youth, whether verbal or non-verbal, which indicates potential danger to staff. Mere words, spoken with no appearance of any intention to carry out the threat, are not an offense in this category.

30. Threatening of Youth: Any explicit act by a youth, whether verbal or non-verbal, which indicates potential danger to other youth. Mere words, spoken with no appearance of any intention to carry out the threat, are not an offense in this category.
 31. Other: Those offenses not listed in this policy or on the Disciplinary Report/Notice of Hearing which would constitute a felony offense.
- C. Minor offenses are the breach of facility and/or departmental regulations governing youth conduct which do not constitute a felony offense. Minor offenses shall include, but are not necessarily limited to, the following acts:
1. Disruptive Behavior: Any acts, verbal or physical, which interrupt activities/programs.
 2. Failure to Follow Facility Rules: Not following in-house rules which are specifically defined and outlined in the youth handbook.
 3. Horseplay: Rough frolicking, not to the point of fighting.
 4. Out of Assigned Area: Being out of the location specifically assigned to a youth or group of youth without written or verbal permission.
 5. Racial Slurs: A derogatory remark which is used to degrade a person based on their race or national origin.
 6. Refusal of a Direct Order: The willful refusal by a youth to follow and/or carry out a specific, authorized, written, or verbal directive issued by staff.
 7. Self-Mutilation: To cut, stab, rip, burn, or otherwise damage any portion of the body by self-inflicted means.
 8. Sexual Slurs: A derogatory remark which is used to degrade a person based on gender, alleged sexual preference, or alleged sexual behavior
 9. Use of Obscene Language: The use of language which contains words commonly considered to be curse words, whether or not addressed toward a particular person.

IV. FORM: CS-0055

**(Note: This Policy Cannot Be Revised Without Prior Permission
of Chancery Court, Davidson County, Nashville, Tennessee.)**